



State of Tennessee Department of Children's Services

Administrative Policies and Procedures: 13.28

Subject: Grievance Procedures For Youth on Probation or Aftercare

Supersedes: DCS 13.28, 06/01/01

Local Policy: No

Local Procedures: No

Training Required: No

Applicable Practice Model Standard(s): No

Approved by:

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Application

To All Department of Children's Services Juvenile Justice Case Managers with Probation, Aftercare Responsibilities

Authority: TCA 37-5-105, 37-5-106

Policy

All youth on probation or aftercare shall be afforded every opportunity to voice complaints about matters that affect their daily lives. Youth shall have the right to file complaints or grievances free from fear of reprisal. All grievances shall be processed in a fair and timely manner and every effort shall be made to settle grievances at the lowest level in the grievance procedure.

Procedures

A. The grievance process

1. The youth's case manager shall explain the grievance process to the youth and his/her primary caretaker during the first counseling session.
2. The following process shall be used in all cases involving a youth grievance:
 - a) The youth shall state his/her grievance either orally or in writing to his/her case manager. The case manager shall meet with the youth within five (5) working days after being informed of the grievance and attempt to

resolve the youth's complaint.

- b) If the youth's grievance pertains to allegations of sexual or physical abuse in any form, the allegation must be reported to DCS Child Protective Services Division **immediately.**
- c) The case manager must document the attempt at resolution on form *CS-0328, Youth Grievance Report-Probation/Aftercare/Interstate Compact on Juveniles*. The youth shall be given a copy of the report within five (5) working days of the initial meeting of the grievance.
- d) If the matter cannot be resolved as provided in the grievance report, the case manager shall place a check mark beside "*Team Leader*" on the grievance form indicating the next level in the grievance process and ask the youth to sign and date the report in the space provided.
- e) The case manager shall forward the report within two (2) working days to the team leader who shall indicate on the form by signature, receipt of the report.

B. Appeal of case manager's decision

- 1. The team leader shall give the case manager fair opportunity to respond to the allegations of the grievance and may conduct, at his/her discretion, a formal or informal hearing on the matter. Any such hearing shall be scheduled at a time and place that will permit the youth and/or his primary caretaker to attend.
- 2. The team leader shall notify the youth in writing of the time, place, and subject of the hearing not less than ten (10) days prior to the time scheduled for the hearing. The youth and/or his/her primary caretaker and the case manager may present witnesses, documentation and proof pertinent to the grievance issue.
- 3. In all cases, the team leader shall make a ruling in writing not later than twenty (20) days after first receiving the grievance. The team leader shall forward to the case manager, the youth and his/her primary caretaker a copy of his/her decision clearly stating the reasons for the ruling.

C. Appeal of team leader's decision

- 1. If the youth is not satisfied with the team leader's decision, he/she must inform the case manager within five (5) working days after receipt of the decision.

2. The case manager shall place a check mark beside "*Team Coordinator*" on the grievance form indicating the next level in the grievance process and ask the youth to sign and date the report in the space provided.
3. The case manager shall forward within two (2) working days, the report and all pertinent documentation, including any additional statements by the youth, to the team coordinator who shall indicate on the form receipt of the report.
4. If the youth does not properly object to the team leader's decision within five (5) working days, he/she shall be deemed to have waived any right to further review of the grievance and the team leader's decision shall be final.
5. The team coordinator shall review the youth's grievance report and make a decision within five (5) working days after receipt of the report. The team coordinator shall state his/her decision and the reasons in writing.
6. The team coordinator shall forward a copy of the decision to the case manager, team leader, youth and his/her primary caretaker within two (2) working days after making a decision.
7. The team coordinator shall be allowed an additional fifteen (15) days in which to make his/her decision, if he/she elects to conduct a hearing as outlined in *Section B, item 1 and 2*.

C. Appeal of team coordinator's decision

1. If the youth is not satisfied with the team coordinator's decision, the youth must inform the case manager within five (5) working days after receipt of the decision.
2. The case manager shall place a check mark beside "*Regional Administrator*" on the grievance form indicating the next level in the grievance process and ask the youth to sign and date the report in the space provided.
3. The case manager shall forward, within two (2) working days, the report and all pertinent documentation, including any additional statements by the youth to the regional administrator, who shall indicate on the form receipt of the report.
4. If the youth does not properly object to the team coordinator's decision within five (5) working days, he/she shall be deemed to have waived any right to further review of the grievance and the team coordinator's decision shall

be final.

5. The regional administrator shall review the report and make a decision within ten (10) days after receiving the youth grievance report. The regional administrator shall be allowed an additional ten (10) days in which to make his/her decision, if he/she elects to conduct a hearing as provided in *section B* above.
6. Within two (2) working days after making his/her decision, the regional administrator shall forward a copy of the decision, clearly stating the reasons to the case manager, team coordinator, team leader, the youth and his/her primary caretaker. The decision of the regional administrator shall be final.
7. The case manager shall maintain in the youth's case file, a copy of each grievance filed or complaint and a copy of each decision made in the grievance process.
8. If at any stage the youth's complaint is found to have merit, the team leader shall ensure that the object of the complaint is corrected immediately.

**D. Examples of
grievable and
non-grievable
issues**

1. **Grievable issues:**

- a) Abusive and distasteful language directed specifically at the youth or his/her family;
- b) Denial of the rights of the youth as enumerated by policy or mandated by statute;
- c) Sexual, physical abuse or harassment;
- d) Denial of equal access to programs;
- e) Imposition of probation/aftercare goals and objectives or program modalities not indicated by the IPP process;
- f) Conflict of interest, i.e., the case manager receiving personal benefit from actions that he/she directs of the youth.

2. **Non-grievable issues:**

- a) Court ordered probation/aftercare rules, including but not limited to curfews, school attendance, reporting requirements and persons or places not in or of the youth's family, placed off limits;

- b) Petitions for revocation of probation or aftercare;
- c) Programmatic modalities, such as reporting for psychological counseling or performance of community service or payment of restitution, which are relevant to the needs of the youth;
- d) Final decisions concerning prior grievances.

E. TN Kids documentation

All information pertaining to grievance procedures shall be entered into TN Kids case recordings.

Forms

CS-0328 Youth Grievance Report-Probation/Aftercare/Interstate Compact on Juveniles

Collateral Documents

None

Standards

None